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WP(S) 3685/05

BEFORE THE M.P. STATE ADMINISTRATIVE TRIBUNAL BENCH, RAIPUR

O.A. NO. 387 /2001

No. 1360(0)
Filed today 28.5.01
M. Sharma

For the Registrar,
M. P. State Administrative Tribunal,
RAIPUR.

APPLICANT : BANSHI LAL KENWAT
Son of Shri Sunder Sai
Executive Engineer
Rural Engineering Services
Korba Distt. Korba

VERSUS

NON-APPLICANT : State of C.G.
through the Secretary
Department of Panchayat
and Rural Development
Govt. of Chhattisgarh,
D.K.S.Bhavan, Raipur

ORIGINAL APPLICATION UNDER SECTION 19 OF THE M.P. STATE ADMINISTRATIVE TRIBUNAL ACT, 1985

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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 3685 of 2005

Petitioner Banshi Lal Kenwat

Versus

Respondents State of C. G.

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Manish Sharma , Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondent/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Executive Engineer in Rural Enginering Department, Korba was transferred to Janjgir, on the same terms and conditions, vide order dated 26.5.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 31.5.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 28.5.2001. By virtue of the interim order the petitioner is continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur